

Amendments to the Drawings:

The attached drawing sheet includes a change to Fig. 3. This sheet, which includes Fig. 3, replaces the original sheet including Fig. 3. In Fig. 3, the reference numeral 43 has been added to identify the circular ring protruding out from flat bottom surface 41. In this manner, Fig. 3 has been reconciled with the paragraph bridging pages 11 and 12 of the specification. No new matter is added by this change.

Attachment: Replacement sheet

REMARKS

Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

No claims have been canceled in this paper. Claim 1, 10, 18, 23, 32 and 40 have been amended in this paper. New claims 41-43 have been added in this paper. Therefore, claims 1-43 are pending and are under active consideration.

The specification and drawings have been amended to correct minor clerical errors. No new matter is added by these changes.

Claims 1-9, 19-22 and 23-31 stand rejected under 35 U.S.C. 102(b) "as being anticipated by Barak (US 5951510)." In support of the rejection, the Patent Office states the following:

Barak discloses a system for monitoring the delivery of clinical nutrition comprising a feeding tube, a device for monitoring the administration of enteral nutritional fluids 14 comprising a control circuit coupled to a metering device. The metering device comprises a pressure sensitive material such as a strain gauge. The device comprises a display, an input device, and an alarm (Col. 3, lines 17-30, 46-59).

Applicant respectfully traverses the subject rejection.

Claim 1, from which claims 2-9 and 19-22 depend, recites "[t]he combination of:

- (a) a feeding tube, said feeding tube including a longitudinally-extending bore and an open proximal end, and
- (b) a device for monitoring the administration of enteral nutritional fluids into the open proximal end of said feeding tube, said device comprising,

- (i) a casing coupled to the open proximal end of said feeding tube, said casing being shaped to define a lumen in fluid communication with the longitudinally-extending bore of said feeding tube, said lumen including an inlet and an outlet, and
- (ii) an electronic control circuit mounted within said casing.”

Claim 1 is neither anticipated by nor rendered obvious over Barak for at least the reason that Barak does not teach or suggest the combination of a feeding tube and a monitoring device in which the monitoring device comprises, amongst other things, a casing shaped to define a lumen, **the lumen being in fluid communication with the bore of the feeding tube**. The Patent Office is apparently contending that pump 14 of Barak corresponds to the claimed monitoring device. However, Barak pump 14 does not have a lumen that is in fluid communication with the bore of the feeding tube. Instead, Barak specifically teaches that pump 14 is preferably a peristaltic pump. Applicant notes that a peristaltic pump would presumably be positioned around the exterior of any tube whose contents are being pumped thereby and would not be positioned in fluid communication with the bore of the feeding tube. Applicant also notes that Barak teaches that its pump 14 includes sensing means 19 in the form of a tube diameter gauge used to measure the diameter of the tube as fluid passes through the tube. Once again, such sensing means 19 would presumably be positioned around the exterior of the tube and would not be positioned in fluid communication with the bore of the feeding tube.

In addition, claim 1 is further distinguishable over Barak for the reason that Barak does not teach or suggest **a monitoring device whose casing is coupled to the open proximal end of the feeding tube**. Instead, as explained in Barak at col. 3, lines 32-35, the Barak tubing set 16 is connected at one end to a liquid container 18 and at the other end to a connector 20 (connector 20

being adapted for attachment to a feeding tube). A drip chamber 21 and a one-way valve 22 are coupled to the tubing set 16 between its ends. As noted above, the Patent Office is regarding pump 14 as corresponding to the claimed monitoring device. However, it can clearly be seen that Barak pump 14 does not include a casing that is coupled to the open proximal end of a feeding tube.

Claim 23, from which claims 24-31 depend, is patentably distinguishable over Barak for at least the same types of reasons given above in connection with claim 1.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 10-18 and 32-40 stand objected to “as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.”

In response to the above, Applicant has rewritten claims 10 and 32 in independent form, claims 11-18 depending from now independent claim 10, and claims 33-40 depending from now independent claim 32. Accordingly, the objection has been overcome and should be withdrawn.

New claims 41-43 have been added in this paper. No new matter is added by these claims. Claim 41, from which claims 42 and 43 depend, is patentable over the art of record for at least the same reasons given above for claim 1.

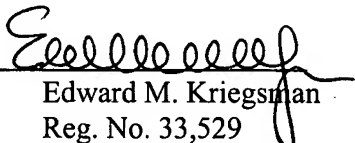
In conclusion, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is

required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

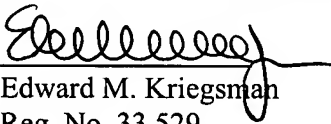
Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 25, 2007.


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Dated: May 25, 2007